United Nations S/2009/617

Security Council

Distr.: General
7 December 2009

Original: English

Letter dated 1 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Saint Vincent and the Grenadines submitted pursuant to Security Council resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

09-63546 (E) 281209

Please recycle

Annex

Note verbale dated 11 November 2009 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations presents its compliments to the Permanent Mission of the Republic of Croatia to the United Nations, in its capacity as Chair of the Counter-Terrorism Committee, and has the honour to transmit the attached report pursuant to Security Council resolution 1624 (2005) (see enclosure).

Enclosure

Report of Saint Vincent and the Grenadines in respect of the implementation of Security Council resolution 1624 (2005)

Prohibiting by law and preventing incitement to commit a terrorist act or acts

In keeping with its continuing efforts to fulfil its international obligations to combat terrorism, Saint Vincent and the Grenadines enacted the United Nations (Anti-Terrorism Measures) Act in 2002. The Act provides that a "terrorist act" means the use or threat of action which constitutes an offence within the scope of and as defined in one of the treaties listed in the Second Schedule; any other act intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

Section 6 of the Act states that any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who provides any form of support, active or passive, to any terrorist or any entity owned or controlled by any terrorist or to any entity acting on behalf of or at the direction of any terrorist by recruiting or assisting in the recruitment of persons; or supplying or assisting in the supply of weapons, commits an offence.

Under section 7 of this Act, a person guilty of the offences of providing or collecting of funds for terrorist acts, providing resources and services for benefit of terrorists, dealing with property of terrorists or supporting terrorists in other ways listed in the Act shall be liable on conviction based on indictment to imprisonment for a term not exceeding twenty years, to an unlimited fine or both; or on summary conviction to imprisonment for a term not exceeding five years, to a fine not exceeding $500,000 or both.

A person who incites another to commit a terrorist act or acts can be charged under section 22 of the Criminal Code, Cap. 124 of the 1990 Revised Laws of Saint Vincent and the Grenadines. This provides that the offence of incitement is committed when a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given. It is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of the carrying out of the counsel.

Denying safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts

On 3 November 1993, Saint Vincent and the Grenadines acceded to the Convention relating to the Status of Refugees, which excludes individuals from asylum where there are serious reasons for considering that they have committed crimes against peace, war crimes or crimes against humanity or serious non-political crimes outside the country of refuge, or where there are serious reasons for considering that they have been guilty of acts contrary to the purposes and

principles of the United Nations. On 3 November 2003, Saint Vincent and the Grenadines also acceded to the Protocol relating to the Status of Refugees.

Additionally, section 4 of the Immigration (Restriction) Act, Cap. 78 of the 1990 Revised Laws of Saint Vincent and the Grenadines classifies certain persons as prohibited immigrants. Relevant to this resolution are the following definitions: The following persons, not belonging to Saint Vincent and the Grenadines, are defined as prohibited immigrants: any person who from information or advice received from any Government, whether Commonwealth or foreign, through official or diplomatic channels is deemed by the Governor-General to be an undesirable immigrant or visitor to Saint Vincent and the Grenadines; any person or class of persons deemed by the Governor-General on economic grounds or on account of standards or habits of life to be undesirable immigrants; any undesirable person. According to section 26 of this Act, any prohibited immigrant who knowingly and wilfully lands, or suffers himself to be landed, and any person who knowingly lands or procures to be landed, or who aids or assists in landing any prohibited immigrant, contrary to the provisions of the Act, is guilty of an offence.

Cooperation with other States in strengthening the security of international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures

Saint Vincent and the Grenadines has, since 1982, been a member of the Regional Security System (RSS), which is an international agreement for the defence and security of the eastern Caribbean region. The Regional Security System was created out of a need for collective response to security threats which were impacting on the stability of the region.

Additionally, the Conference of Heads of Government of the Caribbean Community (CARICOM), of which Saint Vincent and the Grenadines is a member, at its Twenty-Second Meeting, held in Nassau, the Bahamas in 2001, established a Regional Task Force on Crime and Security to examine the major causes of crime and to recommend approaches to deal with interrelated problems, illicit drugs and firearms, as well as terrorism. The establishment of the management framework, with the Caribbean Community Implementation Agency for Crime and Security (IMPACS), as the nerve centre enables continuity in the implementation of the regional crime and security agenda.

IMPACS was established by the Twenty-Seventh Meeting of the Conference of Heads of Government of CARICOM in July 2006. It was established as the implementation arm of a new regional architecture for the development and management of the CARICOM Regional Action Agenda on Crime and Security issues. The Agency reports to the CARICOM Council of Ministers responsible for National Security and Law Enforcement.

IMPACS has two sub-agencies, namely the Joint Regional Communications Centre (JRCC) and the Regional Intelligence Fusion Centre (RIFC). The JRCC is the central clearinghouse for Advanced Passenger Information (API). Advanced Passenger Information (API) is data provided to the Joint Regional Communications Centre (JRCC) prior to the arrival and departure of an aircraft or vessel at each port of entry in participating CARICOM Member States. It contains a complete list of

persons (crew and passengers) on board, including their biographic data and carrier information. The RIFC provides intelligence support to key stakeholders in an effort to detect, deter and control crime within the Region.

Saint Vincent and the Grenadines is also a member of the Inter-American Committee Against Terrorism (CICTE) of the Organization of American States. CICTE coordinates efforts to assist OAS Member States to develop the capacity to prevent and defeat terrorism. CICTE's basic objectives, as set forth in the Commitment of Mar del Plata, are to: enhance the exchange of terror-related information among Member States, including the establishment of an Inter-American database on terrorism issues; assist Member States in drafting appropriate counter-terrorism legislation; compile bilateral, subregional, regional and multilateral counter-terrorism treaties and agreements signed by Member States; promote universal adherence to international counter-terrorism conventions; enhance border cooperation and travel documentation security measures; and develop activities for training and crisis management.

Furthermore, Saint Vincent and the Grenadines has ensured that all ports of entry are properly secured and are in compliance with international regulations and requirements. The State has updated customs procedures, documentation and registration and exchange control measures electronically, using the Automated System for Customs Data software (ASYCUDA) world system.

Security at the ports is a the partnership between the Port Police, the Royal Saint Vincent and the Grenadines Police Force, the Immigration Department, the Customs and Excise Department and the Royal Saint Vincent and the Grenadines Coast Guard, which is the Designated Authority.

The Coast Guard ensures International Ship and Port Security (ISPS) Code compliance and monitors the entry of foreign vessels in the waters of Saint Vincent and the Grenadines, through the National Marine Transportation Security Act (MTSA) and Regulations (MTSR) and through approval of Port Facilities Plans and Assessments.

The CARICOM Common Passport was introduced to provide better security within the region and is machine-readable. As a member of CARICOM, Saint Vincent and the Grenadines began issuing these passports in or around August 2005. After 31 July 2007, non-machine-readable passports were no longer valid.

Saint Vincent and the Grenadines also utilizes information gained through its membership in international organizations such as INTERPOL. Persons entering Saint Vincent and the Grenadines are subject to screening, using local, CARICOM, United Nations and INTERPOL watch lists. Similar procedures are applied to applicants for permanent residence and naturalization.

Participation in international efforts to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures

Saint Vincent and the Grenadines supports the Security Council's request for all States to enhance dialogue and broaden understanding among civilizations in order to prevent indiscriminate targeting of different religions and cultures. In February 2003, Saint Vincent and the Grenadines became a member of the Non-Aligned Movement. At the fourteenth Summit Conference of Heads of State or

Government of the Non-Aligned Movement, Saint Vincent and the Grenadines, as a member of the Movement, agreed to promote and preserve dialogue among civilizations, a culture of peace and inter-faith dialogue, which would contribute to peace and security, taking into account the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

Steps to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters

There has been no evidence or information regarding incitement of terrorist acts or subversion of educational, cultural and religious institutions by terrorists in Saint Vincent and the Grenadines. However, the police and other relevant departments continue to be vigilant and take every possible measure to collect intelligence on acts of terrorism. The Constitution of Saint Vincent and the Grenadines provides for the fundamental human rights of all persons, regardless of their ethnic origin or race.

Ensuring that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all the obligations under international law, in particular international human rights law, refugee law, and humanitarian law

Saint Vincent and the Grenadines makes full efforts to ensure that all of the aforementioned measures comply with its obligations under international law. The Constitution of Saint Vincent and the Grenadines guarantees the fundamental rights of all persons in Saint Vincent and the Grenadines, and the breach by the State of any of the rights set forth in the Constitution may be challenged before the Courts.